

**In the United States District Court
for the Southern District of Georgia
Waycross Division**

RACHEL ALDRIDGE, as surviving
mother of Brooklyn Aldridge,
deceased,

Plaintiff,

v.

BEVERLY BEAUMIER, CLINTON WAYNE
HARPER, and RAVEN GOLDEN,

Defendants.

CV 5:21-015

ORDER

Plaintiff Rachel Aldridge initiated this action in state court on March 6, 2020. See Dkt. No. 1-1. On February 15, 2021, following Plaintiff's amendment of her complaint to add federal claims, Defendants removed the case to this Court based upon federal question jurisdiction. See Dkt. No. 1. On March 2, 2021, Defendant Beverly Beaumier moved to dismiss the Complaint. Dkt. No. 7. Pursuant to the Court's Order granting Plaintiff's motion to add a party defendant, Plaintiff filed an amended complaint on March 25, 2021. See Dkt. Nos. 5, 6, 17, 24. For the reasons below, Defendant's motion to dismiss, dkt. no. 7, is **DENIED as moot.**

LEGAL STANDARD

Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading with the Court's leave. Fed. R. Civ. P. 15(a)(2). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").


DISCUSSION

Plaintiff sought and received leave from the Court to file her amended complaint. Fed. R. Civ. P. 15(a)(2). Thus, Plaintiff's amended complaint supersedes the previous complaint. Defendant's motion to dismiss, dkt. no. 7, has thus been rendered moot by Plaintiff's filing of her amended complaint. Should Defendant wish to renew her motion to dismiss with regard to the amended complaint, she is granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

CONCLUSION

Defendant's Motion to Dismiss, dkt. no. 7, is **DENIED as moot**. The motion hearing scheduled for April 13, 2021 will be continued until further Order of the Court.

SO ORDERED, this 26 day of March, 2021.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA